

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, claim 1 has been amended in response to the objection in item 4 on page 2 of the Office Action, by indenting each step, and providing antecedent basis for the slurry. For additional clarity, the term "same" in the last line of claim 1 has been changed to --molded slurry--.

As a result of these amendments, the objection to claims 1-3 has been rendered moot.

The patentability of the subject matter of the claims under consideration, over the disclosure of the reference relied upon by the Examiner will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 1-3 under 35 U.S.C. §102(a) as being anticipated by HEISEI 12 SPRING MEETING, page 98 is respectfully traversed.

Applicants take the position that this reference is not available as prior art against the present invention, because it represents Applicants' own disclosure of the present invention, and was published less than one year before the filing date of the present U.S. application.

Applicants note that the authors named in the reference are Toru Suzuki, Hideyuki Ohtuka, Yoshio Sakka, Keijiro Hiraga and Koichi Kitazawa, whereas the inventors named in the present application are Toru Suzuki and Yoshio Sakka. Thus, only two of the co-authors named in the Japanese document are inventors in the present application.

However, Hideyuki Ohtuka, Keijiro Hiraga and Koichi Kitazawa served only as advisors to Toru Suzuki and Yoshio Sakka (the present inventors) in connection with the work reflected in the reference, and were working under the direct supervision of the present inventors. A Rule 132 Declaration establishing this is submitted herewith.

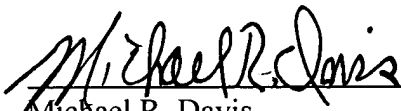
In consideration of the Rule 132 Declaration, it is apparent that the reference constitutes Applicants' own publication, and therefore cannot be used to reject the present claims. In re Katz, 215 USPQ 14.

Accordingly, Applicants respectfully submit that the rejection of claims 1-3 under 35 U.S.C. §102(a) should be withdrawn.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Toru SUZUKI et al.

By: 
Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/pth
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
November 19, 2003